

Want Ads in The Times-Dispatch Bring Results.

THE TIMES FOUNDED 1884 THE DISPATCH FOUNDED 1884

The Times



Dispatch

Want Ads in The Times-Dispatch Bring Results.

WHOLE NUMBER, 19,676.

RICHMOND, VA., SUNDAY, APRIL 5, 1914.

WEATHER TO-DAY—UNSETTLED.

PRICE FIVE CENTS.

COURT TO PASS ON BOARD'S RIGHT TO PAROLE CONVICT

Governor Will Apply for Injunction in Prison Test Case.

BRING QUESTION TO FINAL ISSUE

Attorney-General's Opinion That Penitentiary Board Is Without Parole Power Will Be Put Squarely Before Supreme Court—Agreed On at Conference.

After a three-hour conference yesterday between Governor Stuart and members of the State Penitentiary Board, it was agreed to make a test case to determine the status of the parole law of 1904, which Attorney-General Pollard, in an opinion to the Governor, has held to be unconstitutional. On Saturday afternoon the Penitentiary Board will select some deserving convict who has served half of his term and order him paroled. Governor Stuart will at once apply to the courts for an injunction to restrain Major James B. Wood, superintendent of the prison, from releasing the man until he has served the term for which he was committed, or has been pardoned in the manner provided by law.

In this way the parole law will be brought squarely before the Supreme Court of Appeals of Virginia for final determination as to its validity. It is possible that it may be given preference on the court docket, and be argued at the June term at Wytheville. In the agreement reached yesterday, the Penitentiary Board obligates itself not to attempt to exercise the parole power other than in the agreed test case, until the matter has been finally determined by the courts.

It was stated that the conference yesterday was entirely friendly, and was merely to reach a clear determination as to the requirements of the law, but it is known that both the Governor and the prison board are disposed to stand firmly on their rights. In fact, the prison board points to an opinion rendered by former Attorney-General Samuel W. Williams under date of April 9, 1912, in which it was held that Governor Mann did not have the right to remove members of the board from office, but could suspend individuals from membership for constitutional offenses after due notice. The request for the opinion grew out of the alleged efforts of certain members of the board to secure the freedom of the Allen outlaws while the Governor was temporarily out of the State.

Calls Act Unconstitutional.
The recent session of the General Assembly passed what has come to be known as the Allen bill, Senate bill 412—providing that the Penitentiary Board might in its discretion parole a prisoner after he had served three years of his sentence. It has been frequently stated that the bill was intended to provide a loophole of escape for members of the Allen gang sentenced to from eighteen to thirty-six years in prison, but the bill was amended to exempt from its provisions those convicted of murder in the first degree or of criminal assault. Governor Stuart described this bill as misleading in its title. It should have been, he said, "an act to amend the powers of the board of directors of the penitentiary at the expense of the constitutional powers and prerogatives of the executive."

The Governor referred it to Attorney-General Pollard, who, in an extended opinion, citing many authorities, held not only that Senate bill 412 was unconstitutional, but that the whole act of 1904, which it sought to amend, was likewise unconstitutional. On this advice the Governor vetoed it.

Prison Board Not a Court.
In view of the opinion holding the parole law of 1904 unconstitutional, the question arose as to the future conduct of the prison directors. In a statement issued at the time, Governor Stuart expressed the view that it was certainly not contemplated in the Constitution that the prison board should sit as a sort of superior court, to review and reverse in criminal cases not only the verdicts of trial juries and the judgments of Circuit Courts, but the deliberate opinions of the Supreme Court of Appeals as well. The Attorney-General upheld this view, and any action releasing a prisoner before he had served the specific term for which he was sentenced by due process of law was to upset and reverse the verdict of the court.

Will Test Validity of Act.
Under the agreement effected yesterday afternoon the prison board will select a convict whose prison record is good and who under the act of 1904, if valid, would be a proper subject for parole, and will order such convict paroled. Governor Stuart will forthwith apply either to the judge of the City Circuit Court or to one of the judges of the Supreme Court, which court has

SENATORS BEGIN OPEN WAR ON OLD RULE OF SECRECY

Kenyon Proposes Resolution to Provide for Open Sessions.

TEN UNITE TO LIFT BAN ON PUBLICITY

Declare Themselves Without Fear of Being Unseated for Violating Oath of Office. Definite Action Is Result of Trouble Brewing for Many Months.

Washington, April 4.—Open war was declared in the United States Senate today against the time-honored rule of secrecy relating to proceedings in executive sessions.

Following the defiance expressed by several Senators in closed session on Friday against suppressing debate on the confirmation of Winthrop M. Daniels, of New Jersey, as a member of the Interstate Commerce Commission, actual hostilities began when Senator Kenyon, of Iowa, after a conference with those of his colleagues who are leading in the fight to lift the ban on publicity, introduced a resolution to provide for open sessions on all matters except treaties, unless otherwise directed by unanimous consent of the Senate.

The resolution proposing to amend the rules, and which was referred to the Committee on Rules, reads: "Resolved, That it is the judgment of the Senate that all executive sessions shall hereafter be open to the public except when treaties are considered, or when the Senate by unanimous consent orders otherwise; and the Committee on Rules is directed to prepare such amendments to the present rules, or to prepare new rules, or both, as may be necessary to carry out the terms of this resolution, and present the same to the Senate for action thereon."

Ten Senators in Support.
It was submitted with the backing of Senators La Follette, Cummins, Gronna, Borah, Clapp, Jones, Brewster, Norris and Poinsett, who, it was said, they gave notice on Friday, to discuss freely executive session debates on the qualifications of nominees for public office whenever they feel that the public should be informed regarding them. These Senators were united to-day in their determination to break the ban on publicity without fear of any attempt being made to unseat them on grounds that they are violating the oath of office.

Even Senators who adhere to the most strict interpretation of the Senate rules, admitted that the Senate could not punish members who disclose information relating to presidential appointments, agreeing that the observance of secrecy was a matter of appealing to the "individual conscience." Administration leaders and Republican Senators who have long cherished the dignity of Senate procedure expressed the view to-day that no action would be taken at this session of Congress at least. If Senators wish to make public debates concerning presidential nominees, it was stated, they would be privileged to do so without endangering their seats.

Trouble Has Been Brewing for Many Months.
An upheaval was threatened in the executive session on the general arbitration treaty with Mexico. In that debate Senators Root and Gorman engaged in a wordy controversy over the purposes of the Carnegie Endowment for International Peace. What the Senators said on this point was widely published, and in a subsequent executive session a resolution was introduced by Senator Kern, the majority leader, directing an inquiry by the Foreign Relations Committee into the manner in which information regarding secret proceedings of the Rules Committee, which it since has reported, no action having been taken.

Ever since that resolution was submitted there has been a suppressed undercurrent of feeling against secret proceedings. Confirmation of Mr. Daniels was followed to-day by the revelation that Mr. Daniels asked President Wilson to withdraw his name, and thus stop the contest which he believed to be embarrassing the President, and that Mr. Wilson refused.

The sharp contest was regarded by officials as of importance in revealing the attitude of Senators toward the physical valuation of railroads.

No Unnecessary Delay.
Washington, April 4.—There was every prospect to-day that the Panama free trade bill would be reported in some form from the Senate Committee on Intercommerce Canals within a week, so that the all-absorbing subject may be formally under consideration. Leaders on both sides of the question asserted there would be no House repeal bill in coming session.

Several Senators who oppose the repeal asserted that they would oppose delay in committee, agreeing that view of this attitude, which is growing that the House bill flatly repealing the exemption for American ships will be reported from the committee without recommendation.

Some of the many proposed compromise measures also may be reported in the same manner, leaving it to the Senate to determine the whole controversy.

Senator Overman, also an administration supporter of the repeal bill, has

MEMBERS OF STATE TAX COMMISSION



S. R. DONOHOE HILL MONTAGUE J. W. CHALKLEY EDWARD ECHOLS



D. H. PITTS



DR. THOMAS W. PAGE



A. G. WEAVER



B. F. BUCHANAN

DEFENDS CHOICE OF RESERVE CITIES

High Official of Treasury Department Says Criticism Due to Lack of Knowledge.

APPROVED BY BANKING WORLD

Richmond Selected Because It Does More Business With South Than Baltimore.

(Special to The Times-Dispatch.)
Washington, April 4.—Widespread criticism of the reserve bank selections caused a high official of the Treasury Department to come to the defense of the reserve system, saying that fundamentally it is practically perfect. For reasons of policy this official refused to be quoted under his name. He said: "The criticisms heaped on the committee for some of the selections made in the matter of cities cannot be called unjust, because it is done mostly through lack of knowledge of the conditions."

"If the committee had been guided by political reasons, or through favoritism for certain localities, the twelve cities already named would probably, with few exceptions, not have been selected."

"As a matter of fact, the selection has the approval of the banking world for the most part. In a poll taken by the Treasury Department to ascertain just what cities the bankers of certain localities would select of their own accord, the majority favored the ones that the organization committee selected."

"There has been a great deal of adverse criticism on account of Richmond having been chosen as a banking center. Opponents of this town claim that Baltimore was the logical place. The reason Richmond got the bank is because that city does more business in the South than Baltimore. Another reason is that Baltimore is too close to Philadelphia."

Trend Away From New Orleans.
It is also said that New Orleans should have been selected over Atlanta. On the face of it, that may seem plausible, but when conditions are studied, it is found that the trend of business in that district is away from, rather than toward, New Orleans. If the bank were put in New Orleans, it would work a great inconvenience on the member banks, which

(Continued on Fifteenth Page.)

School Sections

The Times-Dispatch will print this year, as it has done in years past, ten College and School Sections, for the guidance of those who have young men, young women and children to educate.

These sections will appear with the Sunday editions, beginning in June and ending in August.

The issues present a rare opportunity to colleges and schools for advertising.

DELAY IN SENATE ON NOMINATIONS

Squabble Over McNally Appointment Precludes Confirmation of Virginians.

(Special to The Times-Dispatch.)
Washington, April 4.—The squabble in the executive session of the Senate to-day over the appointment of James C. McNally, of Pennsylvania, to be consul to Nuremberg, Bavaria, which was not concluded when adjournment was taken, precluded the confirmation of the six Virginians whose nominations were favorably reported by the Senate committees this morning.

After Thomas G. Burch, of Martinsville, was nominated yesterday to be marshal for the Western District, Senators Martin and Swanson made every effort to have Burch's appointment, together with the other five, including John M. Hart, of Roanoke, to be collector of internal revenue in the West, confirmed to-day, and were disappointed when this became impossible.

Monday, however, all six Virginians will undoubtedly be confirmed, as the favorable reports on their nominations lay on the table to be called up at the pleasure of the Virginia Senators as soon as McNally can be disposed of.

The Department of Justice stated late this afternoon that it plans to send the nomination of Richard H. Mann, of Petersburg, to be district attorney for the Eastern District, to the Senate on Monday or as soon thereafter as possible.

Postmaster at Dinwiddie.
The Post-Office Department to-day ended a contest which has waxed quite warm at times to secure the appointment of a postmaster at Dinwiddie Courthouse, by appointing Mrs. J. H. Clarke, as postmaster.

The contest was made by Mrs. W. M. Sterne, the assistant postmaster for a number of years, who stood first in the recent examination held, securing a percentage 2.7 per cent higher than Mrs. Clarke.

Mrs. Clarke stood second on the list, but was appointed because in the judgment of the department she had a much stronger indorsement from the patrons of the office.

G. H. M.

Applications for Mothers' Pensions.
Philadelphia, April 4.—One hundred and eighteen applications for mothers' pensions have been approved by Auditor-General Powell in Harrisburg this week, and the operation of the act of 1913 is now in full swing. Fifty applications were from Philadelphia, forty-two from Luzerne, twenty from Allegheny, and six from Beaver.

REBELS MAY ASK FOR RECOGNITION

Conduct in Their Hour of Triumph Being Closely Watched for United States.

PERIOD OF REST EXPECTED

Villa Then Probably Will Proceed Against Saltillo, Monterrey and Zacatecas.

REBELS FACE ANOTHER FIGHT

Juarez, Mexico, April 4.—The rebels still have another battle to fight if they wish to annihilate the Federal army which fed Thursday from Torreon, say those in close touch with Constitutionalists officers.

While the odds are said to be in the rebels' favor, an admission of General Carranza's to-night was considered significant. It was that his telegraphic conference with General Villa this evening concerned the sending of additional troops and supplies to San Pedro and Parras, where General Velasco, the Federal commander, led his troops from Torreon.

The hills among which he has distributed his men are said to offer strong natural defenses, and there always is the chance of his being reinforced from Monterrey, Saltillo or the south.

Washington, April 4.—Anticipating a period devoid of important engagements in Central Mexico where Villa's army rests after its capture of Torreon, the interest of the officials here centers on how far rules of civilized warfare will be observed in the treatment of Federal prisoners.

The conduct of Constitutionalists in their hour of triumph is being given close attention by officials whose advice may have much weight in determining the future policy of the United States. It was said to-day at the State Department that Constitutionalists here believe consideration of their claims to recognition cannot be delayed much longer. The statement attributed to the rebel leaders at Torreon that they were awaiting news of the political effect of their victory on Washington also is taken as a sign of general expectancy that the United States government will recognize their calls.

(Continued on Fourth Page.)

NEWSBOY KILLED BY POLICE PATROL

Joseph Goode Knocked Down and Run Over by Big Car on East Marshall Street.

DRIVER METCALF ARRESTED

Second Fatal Accident in Two Days Arouses Public Feeling Over Reckless Driving.

Joseph Goode, a twelve-year-old colored newsboy, who lived with his parents on Littlepage Street, was instantly killed yesterday afternoon shortly after 5 o'clock on Marshall Street, near Thirteenth, when he was knocked down and run over by the heavy automobile patrol of the First Police District. W. H. Metcalf, the driver, was arrested by Captain R. B. Sowell, and the formal charge of murder was lodged against him. By order of Chief of Police Werner, Metcalf was suspended from duty pending the outcome of his trial.

Boy Jumped From Wagon.
According to his statement, the boy had been riding on the rear of a wagon, and jumped off just as the patrol approached from the opposite direction. He said that he ran directly in front of the wagon, hesitated, and then tried to get across the street when he was struck.

Stokes said that the chauffeur used every possible means to keep from striking the boy, that he squirmed as he went and applied his brakes, bringing the machine to a standstill within several yards. Stokes said he did not consider that the car was moving at a high rate of speed. Metcalf was a ward told Captain Sowell that he was going slowly.

Took Car Over Viaduct.
Metcalf was alone when he hit Goode. He had been sent from the First Station to Seventh and Broad Streets with lamps to be placed on the safety stands at that point, and there was no occasion for fast driving. He took the route over the Marshall Street viaduct, and was moving up the hill toward Twelfth Street when the boy crossed the path of his machine.

He said that he applied the brakes, rang the bell, and in a further effort to avoid striking him, turned the machine toward the curb.

However, the fender struck the boy and knocked him down. In an instant Metcalf stopped the car before the body was dead when he was dragged from under the machine.

Promptly notified Captain Sowell and police headquarters. In a few minutes Whitshire took Metcalf in custody, and later Captain Sowell swore out the warrant charging him with murder. He was released under \$2,000 bond.

(Continued on Fifth Page.)

PAGE, ANDERSON AND DONOHOE ON TAX COMMISSION

Appointed by Governor Stuart to Serve From State at Large.

BEGIN BIG WORK WITHOUT DELAY

Echols, Buchanan and Harman Named From Senate, House Members Being Pitts, Chalkley, Weaver and Montague. To Devise Tax Plan for Special Session.

After a conference in the office of Governor Stuart yesterday between the Governor, Lieutenant-Governor Ellyson and Speaker Cox, the appointment of a State Tax Commission was announced as follows:

Thomas Walker Page, of Charlottesville, professor of economics at the University of Virginia.
Stephen Roswell Donohoe, of Fairfax Courthouse, editor of the Fairfax Herald and former Auditor of Public Accounts.
Joseph B. Anderson, of Danville, for many years commissioner of the revenue of that city.
State Senator Edward Echols, of Staunton.
State Senator B. F. Buchanan, of Marlon, Smyth County.
State Senator Arthur C. Harman, of Richmond.
Delegate D. H. Pitts, of Scottsville, Albemarle County.
Delegate John W. Chalkley, of Big Stone Gap, Wise County.
Delegate Aubrey C. Weaver, of Front Royal, Warren County.
Delegate Hill Montague, of Richmond.

All Ten Have Accepted.

The first three were named by the Governor from the State at large. The three Senators were appointed by Lieutenant-Governor J. Taylor Ellyson, and the four members of the House of Delegates were named by Speaker Edwin F. Cox. The three have had frequent conferences with a view of selecting the best possible list. Before the list was announced acceptances were secured from all ten members.

To some of the law members especially, the service will be at considerable sacrifice, as practically their entire time will be taken until the special session meets in January. Dr. Page will be given a leave of absence. Mr. Donohoe is a man of independent means, and Mr. Anderson can have his work performed by deputies. The greatest sacrifices will be made by Senator Buchanan, who only consented to serve at the reiterated request of the Lieutenant-Governor, and by Delegates Chalkley and Weaver, who will be forced to spend much of their time in Richmond for the next eight or ten months.

Will Organize at Once.

Under the terms of the act providing for the Tax Commission it is to organize with "all convenient haste," and to select one of its members as chairman and another as secretary. It may employ such clerks, stenographers, statisticians and experts as the work of the commission may require. Practically the entire time of the members will be required for the work. A report, covering two or more complete systems of taxation, must be submitted to the Governor by November 1. The report is to be printed and given the widest publicity possible before the assembling of the special session of the General Assembly.

Thomas Walker Page, the first named of the Governor's appointees, was born at Cobham, Virginia, December 1, 1857. He is a brother of Professor James Morris Page, dean of the faculty of the University of Virginia. Dr. Page holds degrees from Randolph-Macon College, the University of Virginia, the University of Leipzig, and the Universities of Oxford and Paris. He has been connected at different times with the University of California, the University of Texas, and since 1904 professor of economics at the University of Virginia. In 1911 he was appointed by President Taft a member of the United States Tariff Board.

On Newspaper Man on Commission.
Stephen Roswell Donohoe, a native of Loudoun County and began his newspaper career as publisher of the West Point Star. He afterwards moved to Hampton, where he conducted the Hampton Monitor, and during that time he represented James City, York, Warwick and Elizabeth City Counties in the House of Delegates. In 1932 he moved to Fairfax County, where he again entered the field of journalism, establishing and publishing the Fairfax Herald. Soon afterward he was elected county treasurer of Fairfax County, declining re-election, although he had no opposition. In 1896 he was a delegate to the Chicago convention, which first nominated William Jennings Bryan. He served in the war with Spain with Company I, Third Virginia Infantry, and was elected captain of the company on the resignation of Joseph W. Taylor. After he was nominated by acclamation for the State Senate, and elected without opposition, during which term he was repeatedly urged to become a candidate for Congress, he declined to do so, on the death of Colonel Morton Mayo, Governor Mann appointed Mr. Donohoe Auditor of Public Accounts for the unexpired term, a position which he held with credit for six years. In fact, the groundwork was laid during Mr. Donohoe's administration for that reorganization of the office which has made it one of the most effective and active branches of the State government, a work which since Mr. Donohoe retired has been carried on by State Auditor O. Lee Moore. Mr. Donohoe declined to become a candidate for the full term as Auditor, serving only until Mr. Moore was elected by the General Assembly, when he resumed the editorial direction of the Fairfax Herald.

Danville's Commissioner.
Joseph B. Anderson, of Danville, is, in point of service, one of the oldest commissioners of revenue in the State, as well as one of the most efficient. He was a classmate at Emory and